



U.S. Department of Justice

Civil Division

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Jarrett B. Perlow
Clerk of the Court
717 Madison Place, NW
Washington, DC 20439
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RE: *Asociación de Exportadores e Industriales v. United States*, Fed. Cir. No. 23-1162

Dear Mr. Perlow:

At the March 7, 2024 oral argument in the above-captioned appeal, the panel asked how the volume of cacarena olive varietal was contained in the substantial dependence calculation. I incorrectly stated that the volume of the cacerena varietal was wholly excluded from the numerator and denominator. I wish to correct this statement and clarify that the volume of cacerena varietal grown for mill but used for table olives is excluded from the numerator, and the volume of cacerena varietal grown for mill is excluded from the denominator. *See Appx77-79.* Commerce estimated the percentage of dual use olives (cacerena or the very small amount of “other” varietals) grown for mill but used for table olive production in the 2015/2016 campaign and deducted this amount (18,590) from the 90,404 mill tons. *See also Appx11895; Appx205; Appx11241.* The remaining 71,814 MT represents hojiblanca varietal grown for mill but used for table olives, which is accounted for in the numerator. *See Appx11985.*

The panel also inquired as to how the 45,420 tons of cacerena olives grown for table (*see Appx11643*) are accounted for in the ratio. The published government of Spain statistics lists 492,244 MT of raw olives grown for table and used for table. That total includes the 45,420 MT of cacerena and 29,870 MT of other (otras) varietals grown for table and used for table. *See Appx11241, Appx11895.* Similarly, the 511,122 MT of all raw olives grown for table used to calculate the denominator (1,020,426 MT) includes the 45,420 MT of cacerena and 29,870 MT of other varietals grown for table. *See Appx11241, Appx11895.* Because the 45,420 MT of cacerena and 29,870 MT of otras grown for table are included in both the numerator and denominator, Commerce made an apples-to-apples comparison.

Respectfully submitted,

/s/Tara K. Hogan
TARA K. HOGAN